

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – April 6, 2004**

**MEMBERS PRESENT**

James Murphy  
David Adams  
Bruce Bell  
Theodore Webersinn  
Joseph Herlihy  
Kenneth Charest

**MEMBERS ABSENT**

Walter Bowditch

**OTHERS PRESENT**

Carol Leighton, Administrator  
Dennis Smith, A.A.G.  
Kim Baker-Stetson, Licensing Clerk  
Susan Greenlaw, Board Clerk

**Location:** Central Conference Room

**Start:** 9:05 a.m.      **Adjourn:** 8:30 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**AGENDA MODIFICATIONS**

The Board agreed to add the following:

- Letter from Andrew Ketterer re: Complaint #REA-175

**OLD BUSINESS**

**Action on Minutes of March 2, 2004 Meeting**

A motion was made by Bruce Bell and seconded by Theodore Webersinn to approve the minutes of the March 2, 2004 meeting as written. Unanimous.

**Action on Tabled Applications/Items**

See table.

**NEW BUSINESS**

**Adjudicatory Hearing re: Patty Lucas (license denial)**

The Chair opened the hearing in the matter of Patricia Lucas. Ms. Lucas was present and not represented by counsel. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith was present as Hearing Officer and Counsel for the Board. Public deliberations were conducted at the close of the hearing.

A motion was made by Joseph Herlihy and seconded by Theodore Webersinn to uphold the denial of Ms. Lucas' application to sit for the certified residential examination. Unanimous.

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – April 6, 2004**

**Adjudicatory Hearing re: Donna Herring (#REA-168)**

The Chair opened the hearing in the matter of Donna Herring. Ms. Herring was present and represented by attorney Charles W. Cox. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith was present as Hearing Officer and Counsel for the Board. Public deliberations were conducted at the close of the hearing.

A motion was made by Theodore Webersinn and seconded by Kenneth Charest to find the licensee in violation of 32 M.R.S.A. §14014(1)(G), (I), and (J). Unanimous.

A motion was made by Kenneth Charest and seconded by David Adams to find the licensee in violation of the Conduct section of the Ethics Rule of USPAP 2003 as stated, “An appraiser must perform assignments ethically and competently in accordance with USPAP and any supplemental standards agreed to by the appraiser in accepting the assignment. An appraiser must not engage in criminal conduct. An appraiser must perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.” Unanimous.

A motion was made by Kenneth Charest and seconded by David Adams to find the licensee in violation of the Conduct section of the Ethics Rule of USPAP 2003 as stated, “In appraisal practice, an appraiser must not perform as an advocate for any party or issue.” Unanimous.

A motion was made by Kenneth Charest and seconded by Theodore Webersinn to find the licensee in violation of the Conduct section of the Ethics Rule of USPAP 2003 as stated, “An appraiser must not accept an assignment that includes the reporting of predetermined opinions and conclusions.” Adams, Charest, Murphy, and Webersinn voted in the affirmative; Bell opposed. Motion carried.

A motion was made by Kenneth Charest and seconded by Theodore Webersinn to find the licensee in violation of the Conduct section of the Ethics Rule of USPAP 2003 as stated, “An appraiser must not communicate assignment results in a misleading or fraudulent manner. An appraiser must not use or communicate a misleading or fraudulent report or knowingly permit an employee or other person to communicate a misleading or fraudulent reports.” Adams, Charest, Murphy, and Webersinn voted in the affirmative; Bell opposed. Motion carried.

A motion was made by Kenneth Charest and seconded by Bruce Bell to find the licensee in violation of 2003 USPAP Standards Rule 1-1(b), 1-1(C), and 2-1(a). Unanimous.

A motion was made by Kenneth Charest and seconded by Bruce Bell to issue the Decision & Order as follows: (1) Licensee shall pay costs associated with the hearing not to exceed \$4000 – assessed costs shall be paid prior to re-applying for licensure; (2) Licensee shall pay a fine in the amount of \$4500 (\$500 per violation); and (3) Licensee’s license shall be revoked for a period of two years. Unanimous.

A motion was made by Kenneth Charest and seconded by Bruce Bell to authorize the Chair of the Board to review and sign the Decision & Order. Unanimous.

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BOARD MEETING MINUTES – April 6, 2004**

**Adjudicatory Hearing re: Todd W. Stinneford (license denial)**

The hearing was continued to May 4, 2004.

**Administrator's Report**

**Complaint Officer's Report**

**#REA-183:** A motion was made by Theodore Webersinn and seconded by Kenneth Charest to find the licensee in violation of 32 M.R.S.A. §14014(1)(G), (I), and (J); USPAP Standards Rule 1-1(b), 1-1(c), 1-5(b)(i), 2-1(a), and 2-1(b) and to offer a Consent Agreement as follows: (1) Licensee shall pay a fine in the amount of \$1500 (\$500 per violation) within 30 days; (2) licensee shall pay costs associated with the investigation within 30 days; and (3) licensee shall complete, within 6 months, a 30 hour minimum Board approved basic appraisal course including successful completion of an examination, course not to be counted toward regular continuing education requirement. Unanimous.

**#REA-190:** Tabled.

**#REA-175:** A motion was made by Kenneth Charest and seconded by Bruce Bell to accept the request to dismiss this case and issue a Letter of Guidance. The Letter of Guidance will remain in the licensee's file for a period of one year. Unanimous.

**Action on Tabled Applications/Items**

NAME	APPLYING TO	ACTION
JENNIFER MOTT	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM  MIN 120 QE BAL MET? = 120 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 03/02/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPTER 200 SECTION A (B) AND 32 MRSA 14002	APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS  MARCH 2, 2004 – BOARD INSTRUCTED CLERK TO CHOOSE 6 APPRAISALS FOR REVIEW  FEBRUARY 25, 2004 – REC'D LIST FEBRUARY 3, 2004 – MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLEX APPRAISALS.
JULIE GALVIN	TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM  MIN 120 QE BAL MET? = 120 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 03/14/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APR? = ?? SEE BOARD RULES CHAPTER 200 SECTIN A (B) AND 32 MRSA 14002	APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS  MARCH 5, 2004 – RECEIVED FIRST 50 LIST AND LIST OF MAJOR/COMPLEX PROPERTIES MARCH 2, 2004 – PENDING RESPONSE TO REQUEST FEB 3, 2004 - MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.

# BOARD OF REAL ESTATE APPRAISERS

## BOARD MEETING MINUTES – April 6, 2004

CATHERINE ARNOLD	<p>TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM</p> <p>MIN 120 QE BAL MET? = 120 QE HOURS ON FILE  MIN 24 MONTHS EXP MET? = FIRST LICENSED 09/10/2001  MIN 2500 EXP HRS MET? = 4100+  MET ADEQUATE # OF MAJOR/COMPLEX APR? = ??  SEE BOARD RULES CHAPTER 200 SECTIN A (B) AND 32 MRSA 14002</p>	<p>APRIL 6, 2004 – APPRAISALS TO BE REVIEWED BY BOARD</p> <p>MARCH 2, 2004 – LETTER SENT REQUESTING COPIES OF 6 APPRAISALS  FEB 25, 2004 – REC'D LIST  FEB 3, 2004 - MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.</p>
THOMAS PELLERIN	<p>TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM</p> <p>MIN 120 QE BAL MET? = 130 QE HOURS ON FILE  MIN 24 MONTHS EXP MET? = FIRST LICENSED 05/16/2000  MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ??  SEE BOARD RULES CHAPT 200 SECTION A (B) AND 32 MRSA 14002</p>	<p>APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS</p> <p>MARCH 11, 2004 – RECEIVED LIST OF MAJOR/COMPLEX APPRAISALS  MARCH 2, 2004 – PENDING RESPONSE TO REQUEST  FEB 3, 2004 – MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.</p>
PATTY LUCAS	<p>UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM</p>	<p>APRIL 6, 2004 – LICENSE DENIAL APPEAL HEARING</p> <p>FEB 27, 2004 – APPEAL RECEIVED; HEARING SCHEDULED  FEB 10, 2004 – DENIAL LETTER SENT  FEB 3, 2004 – APPRAISALS REVIEWED BY BOARD; MOTION TO DENY PURSUANT TO 32 MRSA 14023(5)  JAN 6, 2003 – TABLED; BOARD REQUESTED FURTHER SAMPLES  DEC 2, 2003 – 3 APPRAISALS GIVEN TO KEN FOR FURTHER REVIEW; REMAIN TABLED TO THE NEXT MEETING  NOV 4, 2003 – APRAISALS RECEIVED; BD MEMBERS TO REVIEW AND REPORT BACK AT NEXT MEETING  OCT 7, 2003 – BD REQUESTED COPIES OF APPRAISALS FOR REVIEW AT NEXT MEETING SET FOR NOV 4, 2003</p>
RON PAYEUR	<p>TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM</p>	<p>MAY 4, 2004 – APPEAL HEARING SCHEDULED</p> <p>MARCH 18, 2004 – APPEAL LETTER RECEIVED  MARCH 2, 2004 – APPRAISALS REVIEWED BY BOARD. MOTION BY CHAREST AND SECONDED BY WEBERSINN TO DENY PURSUANT TO 32 MRSA 14023(2)(5) AND BOARD RULES CHAPTER 200 SECTION 4-B-2-C. UNANIMOUS.</p>
MICHAEL GARRITY	<p>UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM</p> <p>QE BAL ON FILE = 140  EXP HRS SUBMITTED = 2500+++  FIRST LICENSED = 10/11/2001  ADEQUATE # OF MAJOR/COMPLEX APPR?</p>	<p>APRIL 13, 2004 – CLOSURE OF 30 DAY WINDOW TO APPEAL</p> <p>MARCH 2, 2004 – APPRAISALS REVIEWED BY BOARD. MOTION BY WEBERSINN AND SECONDED BY BELL TO DENY PURSUANT TO 32 MRSA 14023(2)(5) AND BOARD RULES CHAPTER 200 SECTION 4-B-2-C AND TO FILE A COMPLAINT AGAINST THE SUPERVISOR. UNANIMOUS.</p>

### Review and Action on Applications and Education

NAME	APPLYING TO	ACTION
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**BOARD OF REAL ESTATE APRAISERS  
BOARD MEETING MINUTES – April 6, 2004**

WILLIAM NELESKI	UPGRADE FROM CERTIFIED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM  MIN 180 QE BAL MET? = 183 QE HOURS ON FILE MIN 30 MONTHS EXP MET? = FIRST LICENSED ON 12/08/1992 MIN 3000 HOURS WK EXP W/AT LEAST 1500 HRS COMML	APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS  .
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**Correspondence**

Letter from Charles Clark, Georgia Appraisers Board: Ted Webersinn to draft letter for review.

**OTHER BUSINESS**

Next Meeting Scheduled for May 4, 2004

**ADJOURN**

Being no further board business the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Susan Greenlaw  
Board Clerk